

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 22 JUN 2006

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Applicant's or agent's file reference 10064-1PCT	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/IL04/01132	International filing date (day/month/year) 15 December 2004 (15.12.2004)	Priority date (day/month/year) 11 January 2004 (11.01.2004)	
International Patent Classification (IPC) or national classification and IPC IPC: G01B 11/00 (2006.01), 11/02 (2006.01); B21B 31/34, 37/68 (2006.01) USPC: 356/625, 635, 638; 72/16.9			
Applicant QUALITY BY VISION LTD.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>2</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 09 February 2006 (09.02.2006)		Date of completion of this report 26 May 2006 (26.05.2006)	
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201		Authorized officer <i>L. Q. Pham</i> Hoa Q. Pham Telephone No. (571) 272-2426	

Form PCT/IPEA/409 (cover sheet)(April 2005)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/IL04/01132

Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☒ the international application in the language in which it was filed.
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☐ the international application as originally filed/furnished
- ☒ the description:
pages 1-14 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the claims:
pages 15-17 as originally filed/furnished
pages* NONE as amended (together with any statement) under Article 19
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the drawings:
pages 1-6 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages none
- ☒ the claims, Nos. none
- ☒ the drawings, sheets/figs none
- ☒ the sequence listing (*specify*): none
- ☒ any table(s) related to the sequence listing (*specify*): none

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/IL04/01132**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims <u>8-9</u>	YES
	Claims <u>1-7 and 10-17</u>	NO
Inventive Step (IS)	Claims <u>8-9</u>	YES
	Claims <u>1-7 and 10-17</u>	NO
Industrial Applicability (IA)	Claims <u>1-17</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations (Rule 70.7)

Claims 1, 3, 11-13 lack novelty under PCT Article 33(2) as being anticipated by Tamler et al (4,821,544).

Regarding claim 1, Tamler et al discloses a light source (18, 15) for generating a light beam; means (inherently) for diverting light so as to pass through a profile in the toolings (15,16); a detector (22) adapted for receiving light that passed through the profile; whereby the characteristics (i.e., gap, height, thickness) of toolings are processed from the detected light that passes through the profile (see figures 1 and 3).

Regarding claim 3, see column 2, line 18, for the use of a laser source.

Regarding claim 11, see column 2, line 36, for the use of a CCD camera.

Regarding claims 12-13, see abstract for the gap, height or thickness between two rollers is determined.

Claims 2, 4-7, 10 and 14-17 lack an inventive step under PCT Article 33(3) as being obvious over Tampler et al.

Regarding claim 2, Tampler et al does not explicitly teach that the gap between a chuck and roll in a seamer is determined. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the basic device of Tampler et al to determine the gap between a chuck and roll in a seamer because the device would function in the same manner.

Regarding claims 4-7,14 and 17, Tampler et al does not clearly specify what type of the expander; however, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use any kinds of expander that suitable for the device, for example, a group of two lenses, prism, mirrors or optical fiber, as now claimed in the present invention.

Regarding claim 10, it would have been obvious to place in Tampler et al a magnification system before the detector to provide a better signal received by the detector, thus an accuracy of the measurement is obtained.

Regarding claim 15, see column 2, line 21, for the use of a laser source (19).

Regarding claim 16, same as claim 2 above.

----- NEW CITATIONS -----